

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: General Government Appropriations Committee

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BILL: PCS/SB 394

SPONSOR: Senator Clary

SUBJECT: Enforcement of Farm Labor Laws

DATE: March 21, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Faris/DeLoach	Hayes	GA	<b>Pre-meeting</b>
2.				
3.				
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5.				
6.				

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## I. Summary:

This bill amends section 450.38, F.S., adding the provision that moneys for the enforcement of farm labor laws shall be transferred to the Professional Regulation Trust Fund in the Department of Business and Professional Regulation from the Workers' Compensation Administration Trust Fund in the Department of Financial Services. The bill also provides that in addition to the purpose stated in section 44.50(1)(a), F.S., funds in the Workers' Compensation Administration Trust Fund in the Department of Financial Services may be used for the enforcement of farm labor laws by the Department of Business and Professional Regulation.

## II. Present Situation:

The Farm Labor program in the Department of Business and Professional Regulation is funded from the General Revenue Fund and the Professional Regulation Trust Fund. The trust fund serves as the repository for the program's sources of revenue which include registration and testing fees, federal funds, penalties, and permits. Section 450.165, F.S., directs the department to maintain a separate account in the fund for the enforcement of farm labor laws and child labor laws.

The Workers' Compensation Administration Trust Fund was created in section 440.50, F.S., in the Department of Financial Services to provide payment of all expenses related to the administration of workers' compensation. The trust fund is used to pay for vocational rehabilitation of injured employees, weekly compensation payments due under s. 440.15(1)(f), F.S., funding of fixed administrative expenses of the plan, funding of the Bureau of Workers' Compensation Fraud within the Department of Financial Services, and the Child Labor Law program in the Department of Business and Professional Regulation. Revenue sources of the

fund include penalties, fines, and fees that are assessed in compliance with workers' compensation law.

### **III. Effect of Proposed Changes:**

This bill allows the Legislature to reduce \$687,795 in recurring general revenue for Fiscal Year 2005-2006 by authorizing the use of the Workers' Compensation Administration Trust Fund for the enforcement responsibilities provided in section 450.38, F.S., for farm labor laws.

Authorizing the use of funds in the Workers' Compensation Administration Trust Fund for the Farm Labor program is consistent with current funding for the Child Labor program. Both programs are administered by the Department of Business and Professional Regulation.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. Other Constitutional Issues:**

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

The bill will have a minimal impact to the private sector. A substantial fund balance currently exists in the Workers' Compensation Administration Trust Fund. This additional transfer should not increase the assessment against the net premiums earned by carriers and the amount of net premiums calculated by the department for self-insured employers.

#### **C. Government Sector Impact:**

\$687,795 in recurring general revenue is reduced from the 2005-06 fiscal year budget in the Department of Business and Professional Regulation and replaced with \$687,795 in

budget authority from the Professional Regulation Trust Fund. The revenue source for the budget authority will be provided from the Workers' Compensation Administration Trust Fund. There is no reduction to the Farm Labor program due to this change in the funding source. In addition, SPB 7074 by the General Government Appropriations Committee provides \$216,000 in non-recurring funds for replacement of motor vehicles. The FY 2005-06 total appropriation for the program is \$903,795.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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